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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,021	06/26/2001	Douglas P. Bogia	42390P10211	3409

7590

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EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/893,021	Applicant(s) BOGIA, DOUGLAS P.	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,11,12,17-20,24,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,11,12,17-20,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received November 11, 2005. Claims 1, 4-7, 11, 12, 17-20, 24, 29 and 30 were pending examination. Claims 1, 11, 18, 20 and 29 have been amended.
2. As initial matter, it appears that claim 24 was inadvertently grouped in Group I during the Restriction/Election Requirement mailed September 14, 2004. Since claim 24 depends on claim 22, it should have been appropriately grouped in Group III. Therefore, claim 24 is withdrawn from prosecution.
3. Claims 1, 4-7, 11, 12, 17-20, 29, and 30 are now pending examination.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1, 4-7, 11, 12, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims have been amended to now recite that the appliance already has “instructions stored on” to “reconfigure the appliance based on the received electronic data file”. However, this new limitation is not described in the specification and there is no indication that applicant had possession of the claimed invention at the time of filing.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially the same time" in claim 18 is a relative term, which renders the claim indefinite. The term "substantially the same time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Since claims 19-20 depend on claim 18, they are rejected under the same rationale.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 4-7, 11, 12, 17-20, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (U.S. Patent No. 6,785,015).

10. As per claim 1, Smith et al teach a method comprising:

generating an electronic data file including configuration information (**abstract, column 2, lines 40-50**); and

transmitting the electronic data file including the configuration information to an appliance (**abstract, column 2, lines 40-50**) wherein the appliance already has instructions stored on a storage medium thereof to configure the appliance based on the received electronic data file (**column 6, lines 52-63, and column 8, lines 12-42; peripheral contains instructions to process received configuration data**), the electronic data file to cause the appliance to be automatically reconfigured based on the configuration information (**abstract, column 2, lines 40-50**).

11. As per claim 4, Smith et al teach wherein the electronic data file is embedded in an email (**abstract**), and further comprising: encrypting the electronic data file prior to sending it to the appliance (**column 4, 37-65, column 2, lines 40-49**).

12. As per claim 5, Smith et al teach decrypting the email after being received by the appliance (**column 4, 37-65, column 2, lines 40-49**).

13. As per claim 6, Smith et al teach authenticating the email after being received by the appliance (**column 4, 37-65, column 2, lines 40-49**).

14. As per claim 7, Smith et al teach checking that the email has a proper authorization before configuring the appliance (**column 13, lines 14-25, column 2, lines 9-67**).

15. As per claim 11, Smith et al teach a method comprising:

receiving an email including configuration information at an appliance that already has instructions stored on a storage medium thereof to reconfigure the appliance based on the configuration information; and reconfiguring the appliance based on the configuration information (**abstract, column 2, lines 9-67**).

16. As per claim 12, Smith et al teach decrypting the email (**column 4, 37-65, column 2, lines 40-49**).

17. As per claim 17, Smith et al teach sending a confirmation email indicating that the appliance was reconfigured successfully (**column 13, lines 14-25**).

18. As per claim 18, Smith et al teach a method comprising:

entering configuration information using an application running on a machine; sending an email including configuration information for to each of a group of appliances at substantially the same time (**abstract, column 2, lines 9-67**).

19. As per claim 19, Smith et al teach encrypting the configuration information in the email (**column 4, 37-65, column 2, lines 40-49**).

20. As per claim 20, Smith et al teach the multiple appliances authenticating the email before configuring themselves based on the configuration information (**Figure 1, column 4, 37-65, column 2, lines 40-49**).

21. As per claim 29, Smith et al teach an article comprising:
a storage medium, which stores instructions, the instructions, when executed, causing systems to: receive an electronic data file including configuration information; and reconfiguring an appliance based on the configuration information included in the electronic data file (**abstract, column 2, lines 9-67**).

22. As per claim 30, Smith et al teach wherein the storage medium further comprises instructions, the instructions, when executed, cause systems to: decrypt the electronic data file (**column 4, 37-65, column 2, lines 40-49**).

Response to Arguments

23. Applicant's arguments have been fully considered but they are not persuasive.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is cited in the Notice of Reference Cited form (PTO-892).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

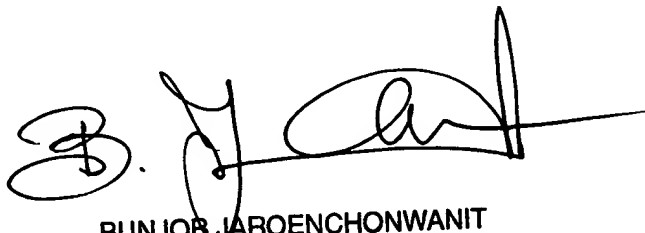
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2152

RR 
January 18, 2006


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER